



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 20, 2013

Sponsored by Council Members: Motsavage, Webb, Rennia, Mihalko, Berg

Introduced by Committee: Municipal & Public Affairs

RESOLUTION

entitled

**A RESOLUTION CALLING ON THE FEDERAL
GOVERNMENT TO REDUCE GUN VIOLENCE
IN AMERICA AND HELP PREVENT FUTURE
MASS SHOOTINGS THROUGH THE PASSAGE
OF: THE FIX GUN CHECKS ACT**

WHEREAS, the National Instant Criminal Background Check System (NICS) is an effective tool to keep guns out of the hands of criminals and other dangerous individuals, and this system has blocked 1.9 million illegal gun purchases and permit applications in the past two decades; and

WHEREAS, despite this success, the system is undermined by legal loopholes and missing records that enable too many dangerous individuals to obtain weapons they later use in crimes; and

WHEREAS, it is estimated that state and federal agencies have failed to report more than one million records of persons with dangerous mental illness into the NICS database; and

WHEREAS, on April 16, 2007, Seung-Hui Cho shot and killed 32 people at Virginia Tech with guns that were legally purchased because records of his mental health status were missing from the NICS; and

WHEREAS, on January 8, 2011, Jared Loughner, someone with a reported history of drug abuse and serious mental illness who should have been in the NICS database but was not, killed six Tucsonans – Christina-Taylor Green, Dorothy Morris, Judge John Roll, Dorwan Stoddard, Phyllis Schneck, and Gabe Zimmerman – and shot 13 others, including U.S. Congresswoman Gabrielle Giffords; and

WHEREAS, on July 20, 2012, James Holmes, using a semi-automatic rifle and other guns, allegedly shot and killed 12 people and injured at least 58 others in a movie theater in Aurora, CO, using some of the thousands of rounds of ammunition that the shooter had recently purchased online without any background check; and

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WHEREAS, on August 5, 2012, Wade Michael Page, using a semi-automatic handgun, allegedly shot and killed 6 people and injured 3 others at a Sikh temple in Oak Creek, WI; and

WHEREAS, on October 21, 2012, Radcliffe Haughton, using a semi-automatic handgun, shot and killed his estranged wife and two others; and though a restraining order had been issued against Haughton – making him a prohibited person under federal law – Haughton was able to avoid a background check by purchasing the gun from a private seller through armslist.com; and

WHEREAS, in the wake of the Newtown shootings on December 14, 2012, Adam Lanza, using two semi-automatic handguns, shot and killed 27 people, including 20 children at Sandy Hook elementary school; and

WHEREAS, in the wake of the Virginia Tech shootings, Virginia and other states have submitted hundreds of thousands of new mental health records into the NICS database, yet 19 states have each submitted fewer than 100 mental health records since that massacre; and

WHEREAS, under federal law licensed gun dealers are mandated to conduct NICS checks before proceeding with a sale, but this requirement does not apply to so-called private sellers who are present in large numbers at gun shows and sell guns over the internet; and

WHEREAS, it is estimated that 6.6 million guns were sold privately in the U.S. between November 2011 and November 2012, and undercover investigations have shown that many private sellers at gun shows and online will proceed with sales even when they are made aware that prospective purchasers cannot pass a background check; and

WHEREAS, more than 12,000 Americans are murdered with guns every year, and too many of these crimes are committed by individuals who are barred from purchasing or possessing guns under Federal law; and

WHEREAS, other tragedies including the 1999 Columbine High School shooting in Colorado, the 2010 attack on law enforcement at the Pentagon, and the 2012 mass shooting at a Pittsburgh psychiatric clinic were perpetrated by individuals who obtained guns through unregulated private sales, with no paperwork required and no questions asked; and

WHEREAS, the Fix Gun Checks Act has been introduced in the U.S. Congress, and this legislation would address the two major flaws in the nation's gun background check system by improving compliance with federal record reporting requirements, and by requiring background checks for all U.S. gun sales; and

WHEREAS, 90 percent of Americans and 90 percent of gun owners support fixing gaps in the gun background check database, and 86 percent of Americans, 82 percent of gun owners nationwide, and 74 percent of NRA members support mandatory criminal background checks for all gun sales; and

WHEREAS, the City of Binghamton has been a strong advocate for common-sense policies that keep guns out of dangerous hands while respecting the rights of law-abiding gun owners, and strongly believes that Congress and state governments should take action to close deadly gaps in the NICS; and

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WHEREAS, more than 50 national organizations support closing gaps in the gun background check database and requiring a background check for all gun sales, including the U.S. Conference of Mayors, National Urban League, National Association for the Advancement of Colored People, and the National Coalition Against Domestic Violence, the International Association of Chiefs of Police, the Major Cities Chiefs Association and the Police Executive Research Forum; and

WHEREAS, the Fix Gun Checks Act is strongly supported by Mayors Against Illegal Guns, a national, bipartisan coalition of more than 800 mayors, who represent more than 58 million Americans.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE, that the City of Binghamton will work to push for increased reporting of mental health and other relevant records into the NICS database; and be it further

RESOLVED, that the City of Binghamton urges immediate passage of The Fix Gun Checks Act in the United States Congress; and be it further

RESOLVED, that the City of Binghamton urges immediate passage of legislation that would get military-style weapons and high-capacity magazines away from our community and especially our schools; and be it further

RESOLVED; that the City of Binghamton urges immediate passage of legislation that would make gun trafficking a federal crime; and be it further

RESOLVED, that the City of Binghamton, echoing the call of gun violence survivors and family members, calls on both President Obama and the U.S. Congress to put in place concrete reforms to reduce gun violence nationwide and help prevent future mass shootings; and be it further

RESOLVED, that City of Binghamton's Mayor and Council will join with domestic violence prevention advocates, faith leaders, law enforcement officials, and other elected officials to make clear that failure to strengthen gun laws at the national level will continue to fuel gun violence in big and small cities throughout the country; and be it further

RESOLVED, that City of Binghamton's Mayor and Council requests the City Clerk transmit this memorial to U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, Congressman Richard Hanna

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 2/20/13. Approved by the
Mayor on 2/22/13.



I hereby certify the above to be a true copy
of the resolution adopted by the Council
of the City of Binghamton at a meeting
held on _____ Approved by the
Mayor on _____

Introductory No. R13-25

Permanent No. R13-25

Sponsored by City Council Members:
Motsavage, Webb, Rennia, Mihalko, Berg

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GOVERNMENT TO REDUCE GUN VIOLENCE IN
AMERICA AND HELP PREVENT FUTURE MASS
SHOOTINGS THROUGH THE PASSAGE OF: THE
FIX GUN CHECKS ACT

The within Resolution was adopted by the Council of
the City of Binghamton.

Date February 20, 2013
Douglas Holmes
City Clerk

February 21, 2013
Date Presented to Mayor

2/22/13
Date Approved Walter Rye
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	/			
Mihalko	/			
Rennia	/			
Webb	/	/		
Papastrat		/		
Matzo		/		
Berg	/			
Total	5	2	0	0

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated

5 Ayes 2 Nays 0 Abstain 0 Absent